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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------|------------------------------|------------------|
| 10/526,742 | 03/07/2005 | Norikazu Sugaya | 2005-0044A | 7898 |
| 513 7590 06/26/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021 | | | EXAMINER EL ARINI, ZEINAB | |
| | | ART UNIT 1746 | PAPER NUMBER | |
| | | MAIL DATE 06/26/2007 | DELIVERY MODE PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/526,742 | SUGAYA, NORIKAZU | |
| | Examiner | Art Unit | |
| | Zeinab E. EL-Arini | 1746 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 36,37,39,40,49-53 and 59-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 36-37, 39-40, 49-53, and 59-64 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/07 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 36-37, 39-40, 49-52, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0892084 (EP'084) in combination with JP 2002-155391 (JP'391).

Re. claims 36-37, 39-40, 49-52, and 64, EP'084 discloses a method for preventing contamination by lead from piping device made of a lead-containing copper alloy. The method comprises contacting the surface with a cleaning fluid comprising nitric acid and hydrochloric acid. The reference discloses the concentration and the time as claimed. The reference also discloses causing the hydrochloric acid to form a coating film on the surface of the liquid containing part as claimed. See the claims, the figures, the abstract, and page 2, line 47-page 8, line 30. Re. claims 53 and 59-63, see

EP'084 discloses all limitations with the exception of removing both lead and nickel or nickel alone, the nickel is nickel salt, the temperature, the ratio between the temperature and the time as claimed.

JP'391 discloses treating water feed appliances by applying nickel-plating to the water feed appliances, and removing the nickel by using nitric acid. See the abstract, and the English translation.

It would have been obvious for one skilled in the art to use the process taught by EP'084 to remove the nickel residue during removing the lead, because JP'391 discloses using nitric acid for treating the nickel from water supply instrument made from a copper alloy, see the English translation. One skilled in the art would control the temperature and the concentration and the time (washing conditions) to improve the treating process. See EP'084, page 8, lines 25-30. Since the copper alloy containing nickel and lead, one skilled in the art would use the process taught by EP'084 to remove the nickel during removal of the lead from the surface of the plumbing device made of copper alloy. This is also because the cleaning fluid taught by EP'084 is able to remove the nickel and the nickel salt from the plumbing device. This is also because the copper alloy taught by EP'084 is inherently contains nickel and nickel salt, see page 8, lines 39, 42, 48, and 54.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 53 and 59-63 are rejected under 35 U.S.C. 102(b) as being anticipated by EP'084.

Re. claims 53 and 59-63, EP'084 discloses a plumbing device made of copper alloy containing both lead and nickel, that includes a valve and tube coupling as claimed. See page 2, lines 9-14, page 3, lines 18-19, page 9, lines 8-10, and Figures 2-3.

Response to Arguments

5. Applicant's arguments filed 5/22/07 have been fully considered but they are not persuasive. Applicant's argument with respect to the combination of EP'084 and JP'391 is unpersuasive, because JP'391 discloses using nitric acid to remove nickel as claimed. See the English translation. Applicant's argument with respect to the nickel is unpersuasive, because the alloy as taught by EP'084 includes nickel, therefore the process and the solution taught by EP'084 is able to remove the nickel or the nickel salt from the plumbing device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zeinab E. EL-Arini

Zeinab E. EL-Arini
Primary Examiner
Art Unit 1746

ZEE

6/19/07